



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------------|------------------|
| 09/823,818 | 03/30/2001 | Allen E. Silky | 21113-05690 | 6609 |
| 51206 | 7590 | 08/29/2006 | | |
| TOWNSEND AND TOWNSEND AND CREW LLP TWO EMBARCADERO CENTER 8TH FLOOR SAN FRANCISCO, CA 94111-3834 | | | EXAMINER WINDER, PATRICE L | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2145 | |

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|-----------------|--|--------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 09/823,818 | | SILKY ET AL | |
| | Examiner | | Art Unit | |
| | Patrice Winder | | 2145 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 11, 2005 and August 26, 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 11-19 and 30-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 20-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Invention I in the reply filed on July 26, 2005 is acknowledged. The traversal is on the ground(s) of the statement of such by the applicant. This is not found persuasive because applicant does not present any arguments supporting the reasons for traversal.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 11-19 and 30-34 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on August 26, 2005.

Specification

3. The amendment to the specification filed on May 11, 2005 alleviates the previous objections made to the specification.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not

Art Unit: 2145

described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The disclosure lacks any detail or description of what an explanation is, i.e. no definition. The disclosure also lacks context which help one of ordinary skill determine what an explanation is in applicant's invention.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 3-9, 20, 22-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Iyengar, USPN 5,961,601 (hereafter referred to as Iyengar).

8. Regarding claim 1, Iyengar discloses a computer implemented method for maintaining information provided by a user, comprising:

encoding session information in a first web page, wherein the session information includes a navigation history of the user (column 16, lines 46-66) and at least a portion of the session information is not visible to the user (column 8, lines 1-31);

sending the first web page over a network to a web browser of the user (i.e. sending hidden variables in a web page form to a user, column 8, lines 1-31 and column 14, lines 15-63);

Art Unit: 2145

receiving updated session information from the user via the network (column 8, lines 8, lines 20-31 and column 12, lines 18-27);

decoding the updated session information and using the decoded session information to create a second web page (column 12, lines 27-41).

a hidden form field (column 7, line 50 - column 8, line 31 and column 14, lines 15-63).

9. Regarding claim 3, Iyengar further discloses the encoded session information including a navigation history of the user is placed in a hidden form field (column 16, lines 45-66).

10. Regarding claim 4, Iyengar further determining from the decoded session information all information provided by the user in a web session (column 12, lines 27-41).

11. Regarding claim 5, Iyengar further discloses determining from the decoded session information all information provided by the user in a web session (column 12, lines 27-41).

12. Regarding claim 6, Iyengar further discloses encoding the session information includes encoding in the first web page all information provided by the user at the time of encoding (column 8, lines 1-31 and column 14, lines 15-63).

13. Regarding claims 7 and 8, Iyengar further comprising the navigation history of the user to resolve a configuration conflict (column 16, lines 45-66) and wherein information encoded into the second web page includes all relevant session information

Art Unit: 2145

provided by the user at the time of encoding (column 10, line 57 - col. 10, line 19 and col. 12, lines 27-41).

14. Regarding claim 9, Iyengar further taught using the updated session information to identify a configuration conflict (column 16, lines 46-66).

15. Regarding claims 26-27, Iyengar further discloses the decoded session information is encoded into the second web page, wherein information encoded into the second web page includes all relevant session information provided by the user at the time of encoding (Iyengar, column 10, line 57 - column 10, line 19 and column 12, lines 27-41).

16. Regarding claims 20, 22-25, claims 20, 22-25 have similar limitations as disclosed in claims 1 and 3-6. Therefore, they are rejected under Iyengar for the same reasons set forth in the rejection of claims 1 and 3-6.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 2, 10, 21 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iyengar in view of Puri, USPN 6,064,982.

19. Regarding claims 2 and 21, Iyengar substantially discloses the instant claimed invention. Iyengar does not specifically disclose the information provided by the user

Art Unit: 2145

enables the configuring of a configurable product. However, Puri, in the same field of endeavor, wherein the updated session information received from the user enables the configuring of a configurable product (Puri, column 2, lines 28-43 and col. 3, lines 40-67). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to configure a configurable product over the internet, taught by Puri, into the web page system, taught by Iyengar, in order for users to build products, in a user-friendly way, using the system of Iyengar.

20. Regarding claim 10, Iyengar-Puri further discloses using navigation history of the user to generate an explanation of the configuration conflict for inclusion in the second web page (column 10, line 57 - col. 10, line 19; column 12, lines 27-41 and column 16, lines 46-66) (Puri, column 3, lines 1-23 and column 4, lines 1-22).

21. Regarding claims 28-29, Iyengar-Puri further discloses using the updated session information to determine a configuration result and using the configuration result to generate the second web page (Iyengar, column 10, line 57 - column 10, line 19 and column 12, lines 27-41) (Puri, column 3, lines 1-23 and column 4, lines 1-23).

Response to Arguments

22. Applicant's arguments filed May 11, 2005 have been fully considered but they are not persuasive.

23. Applicant argues – "The Applicants have reviewed the art cited by the Examiner (Iyengar 5,961,601), and are unable to identify any teaching that a '*navigation history of*

Art Unit: 2145

the user" is included as part of *'the session information'*. Rather, the focus of Iyengar is to preserve current state information and not information about past states."

a. Iyengar taught an embodiment that preserves the state for multiple servers. In preserving the state for multiple servers, additional state variables from the current server are embedded with state variables of a previous server, Iyengar, column 16, lines 45-66.

24. Applicant argues – "Further, as amended, Claim 3 recites that 'navigation history of the user is placed in hidden form field.' These limitations do not appear to be taught in the cited art."

b. Iyengar taught state variables include a "navigation history" which includes past server state variables and current server state variables, column 16, lines 45-66. Iyengar also taught that state variables are placed in hidden form field, see column 8, lines 1-8.

25. Applicant argues – "Further, Claim 7 recites 'using the navigation history of the user to resolve a configuration conflict.' The limitations regarding use of the 'navigation history' to 'resolve a configuration conflict' do not appear to be taught in art cited by the Examiner."

c. Navigation history is represented in Iyengar by the context of state variables, see column 16, lines 45-66. State variables include state variables of past server(s) and state variable of a current server. The service is able to discriminate the context of the state variables. By discriminating the context of the state variables Iyengar "resolves a configuration conflict".

Art Unit: 2145

26. Applicant argues – “Further, Claim 9 recites ‘*using the updated session information to identify a configuration conflict.*’ The limitation regarding use of the ‘*session information*’ to ‘*identify a configuration conflict*’ do not appear to be taught in the art cited by the Examiner.”

d. Navigation history for lyengar is represented by the context of state variables, see column 16, lines 45-66. State variables include state variables of past server(s) and state variable of a current server. The service is able to discriminate the context of the state variables. By discriminating the context of the state variables lyengar taught identifying “a configuration conflict”.

27. Applicant argues – “Further, Claim 10 recites ‘*using the navigation history do not appear to be generate an explanation of the configuration conflict.*’ The limitations regarding use of the ‘*navigation history of user*’ to ‘*generate an explanation of the configuration conflict*’ do not appear to be taught in the art cited by the Examiner.”

e. Applicant’s specification does not appear to support “explanation of the configuration conflict”. Applicant’s response does not argue as to why lyengar-Puri does not teach “an explanation of the configuration conflict”. Thus, the examiner is unable to determine why lyengar-Puri does not teach “an explanation of the configuration conflict”.

Conclusion

28. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

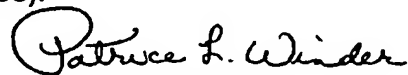
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2145

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patrice Winder
Primary Examiner
Art Unit 2145

November 4, 2005